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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

ANDREW VARGAS,)	Case No. 09-03972 (CRB)
)	
Plaintiff,)	JOINT STIPULATION AND
vs.)	PROPOSED ORDER TO PERMIT
)	PLAINTIFF TO FILE AN AMENDED
)	COMPLAINT
BP CORPORATION OF NORTH AMERICA,)	
INC. LONG TERM DISABILITY PLAN;)	
CIGNA GROUP INSURANCE,)	
)	
Defendants.)	
)	

WHEREAS on August 27, 2009, Plaintiff filed his complaint in this Court alleging a claim for disability benefits pursuant to ERISA § 502(a)(1)(B); and

WHEREAS by letter dated October 19, 2009, Defendant CIGNA determined that Plaintiff was entitled to disability benefits, retroactive to May 14, 2007; and

WHEREAS Defendant CIGNA further determined that as of August 2009 it was entitled to offset Mr. Vargas's disability benefit by pension benefits, reducing his net monthly disability benefit to \$100; and

WHEREAS Plaintiff does not agree that an offset for pension benefits is appropriate; and

WHEREAS Defendants filed an Answer to the Complaint on November 11, 2009;

NOW, THEREFORE, the parties, by and through their attorneys of record, hereby stipulate and respectfully request that the Court permit Plaintiff to file a First Amended

STIPULATION TO PERMIT PLAINTIFF TO FILE AN AMENDED COMPLAINT
 Case No. 09-03972 (CRB)

Complaint in light of the facts that developed subsequent to the filing of the Complaint

Dated: November 20, 2009

Respectfully submitted,

SPRINGER-SULLIVAN & ROBERTS LLP

By: /s/
Cassie Springer-Sullivan
Attorneys for Plaintiff

Dated: November 20, 2009

WILSON ELSE MOSKOWITZ
EDELMAN & DICKER LLP

By: /s/
Shilpa Doshi
Attorneys for Defendants

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: November 23, 2009

The Honorable Charles R. Breyer
United States District Judge

